

CERTIFIED MAIL



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

APR 27 2010

Mr. Dan Morrison
A2Z Enterprises, LLC
408 East Scribner Road
Port Angeles, Washington 98362

Reference: NWS-2009-340
A2Z Enterprises, LLC

Dear Mr. Morrison:

In response to a complaint, my staff recently inspected work performed on your property located at 2917 Edgewood Drive, Port Angeles, Washington. Based on the available information, I have determined that you placed fill in 1.44 acres of wetlands to construct a sprint boat track, access roads, and a utility line without a Department of the Army (DA) permit. I consider this work to be in violation of Federal law and direct you to do no further work in wetlands at this site.

Prior to our inspection, we provided you an approved jurisdictional determination that identified wetlands within the Review Area on this property (enclosed letter dated July 23, 2010). At your request, the Review Area did not include the entire property. However, we advised you that other waters and wetland areas occur on the property outside of the Review Area that were not the subject of the approved jurisdictional determination.

In addition, we reviewed the information provided in your Joint Aquatic Resources Permit Application Form dated April 1, 2010, and based on that information, determined the sprint boat track and the excavated material from the boat track construction would not be placed in wetlands within the Review Area. On the basis of the information you provided, we determined a DA permit was not required for your project as proposed. We advised you that we will consider the discharge of dredged or fill material into waters of the United States at this property (within or outside the Review Area) without a valid DA permit to be a knowing and willful violation of Federal law.

During my staff's visit, we observed that you had placed material excavated from the race track into Wetlands A and C. You also placed fill material in Wetlands A and C and in another wetland outside the review area for the approved jurisdictional determination, termed Wetland IV, in order to construct roads and install utility lines. The discharge of fill in waters of the United States on this property occurred without a valid DA permit. Based on the July 23, 2010,

approved jurisdictional determination, I consider your actions to be a knowing and willful violation of federal law.

Please read the enclosure entitled *Clean Water Act Extracts and Definitions* which describes laws that apply to the unauthorized work. Under Section 404 of the Clean Water Act, a DA permit is normally required for the discharge of dredged or fill material (e.g., fill, excavation, or mechanized land clearing) into waters of the U.S., including wetlands and navigable waters of the U.S.

To assist in the evaluation of this violation, I request the following information:


- a. As-built sketch of the work. Enclosed for your use is a copy of our map. You should make any necessary changes to reflect current conditions, sign the revised map, and return it with your other comments.
- b. Who did the work? If a contractor conducted the work, please furnish the contractor's name, address, and telephone number.
- c. Who directed the work to be performed?
- d. Dates when the work started and completed.
- e. Reasons why the work was started before obtaining a DA permit.
- f. Property ownership at time of construction. Please also provide the parcel number for the property.
- g. Primary purpose of the work.
- i. Practicable alternatives available that would not involve filling of wetlands.
- j. Source of the fill material.

The U.S. Environmental Protection Agency (EPA) also enforces Section 404. The EPA will receive a copy of this letter and may provide views and/or recommendations concerning this matter to our office.

Please furnish the requested information within 30 days from the date of this letter. Your comments will be beneficial in resolving this matter. In addition, my staff is available to meet with you to discuss resolving this matter.

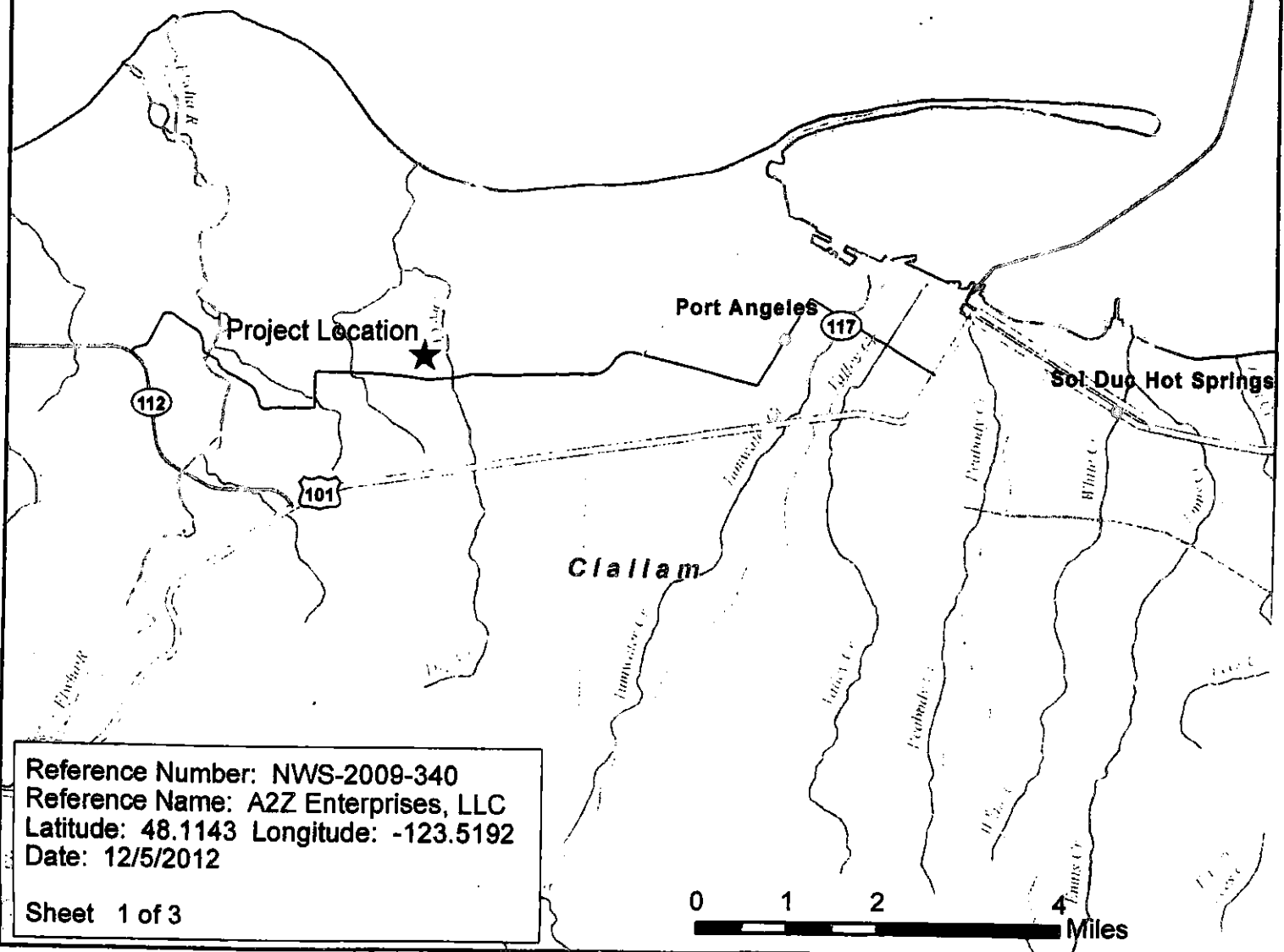
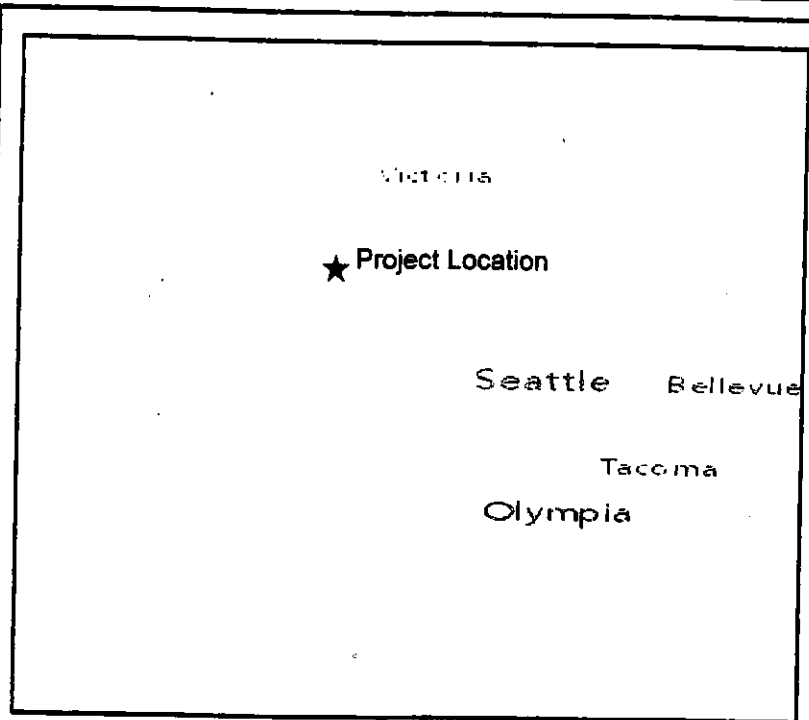
If you would like to meet with my staff or have any questions concerning your reply, please contact Ms. Pamela Sanguinetti at pamela.sanguinetti@usace.army.mil or at (206) 764-6904.

Sincerely,

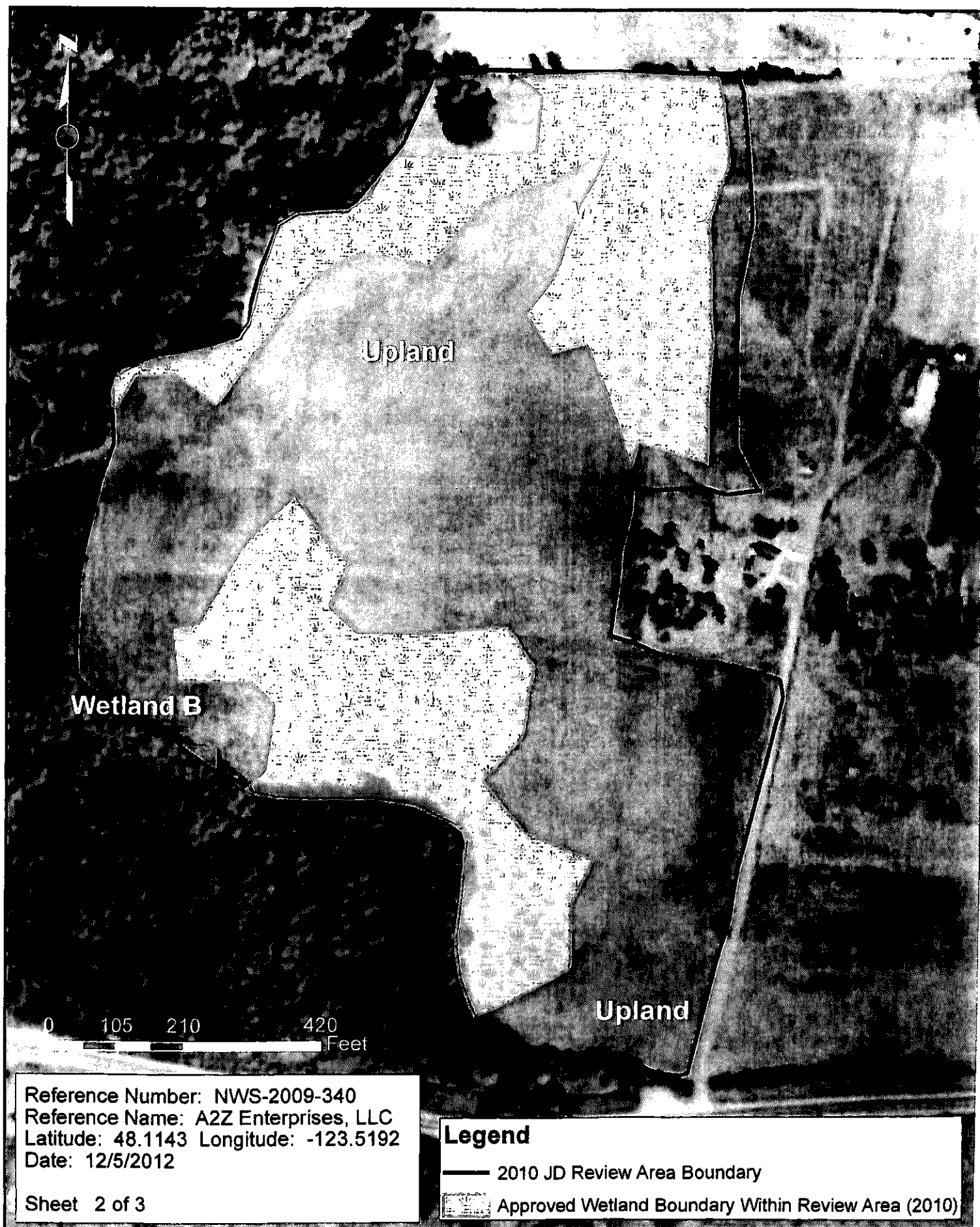

for Bruce A. Estok
Colonel, Corps of Engineers
District Engineer

Enclosures

Vicinity Map



Approved Jurisdictional Determination (JD) Area (2010)



Reference Number: NWS-2009-340
Reference Name: A2Z Enterprises, LLC
Latitude: 48.1143 Longitude: -123.5192
Date: 12/5/2012

Sheet 2 of 3

Legend

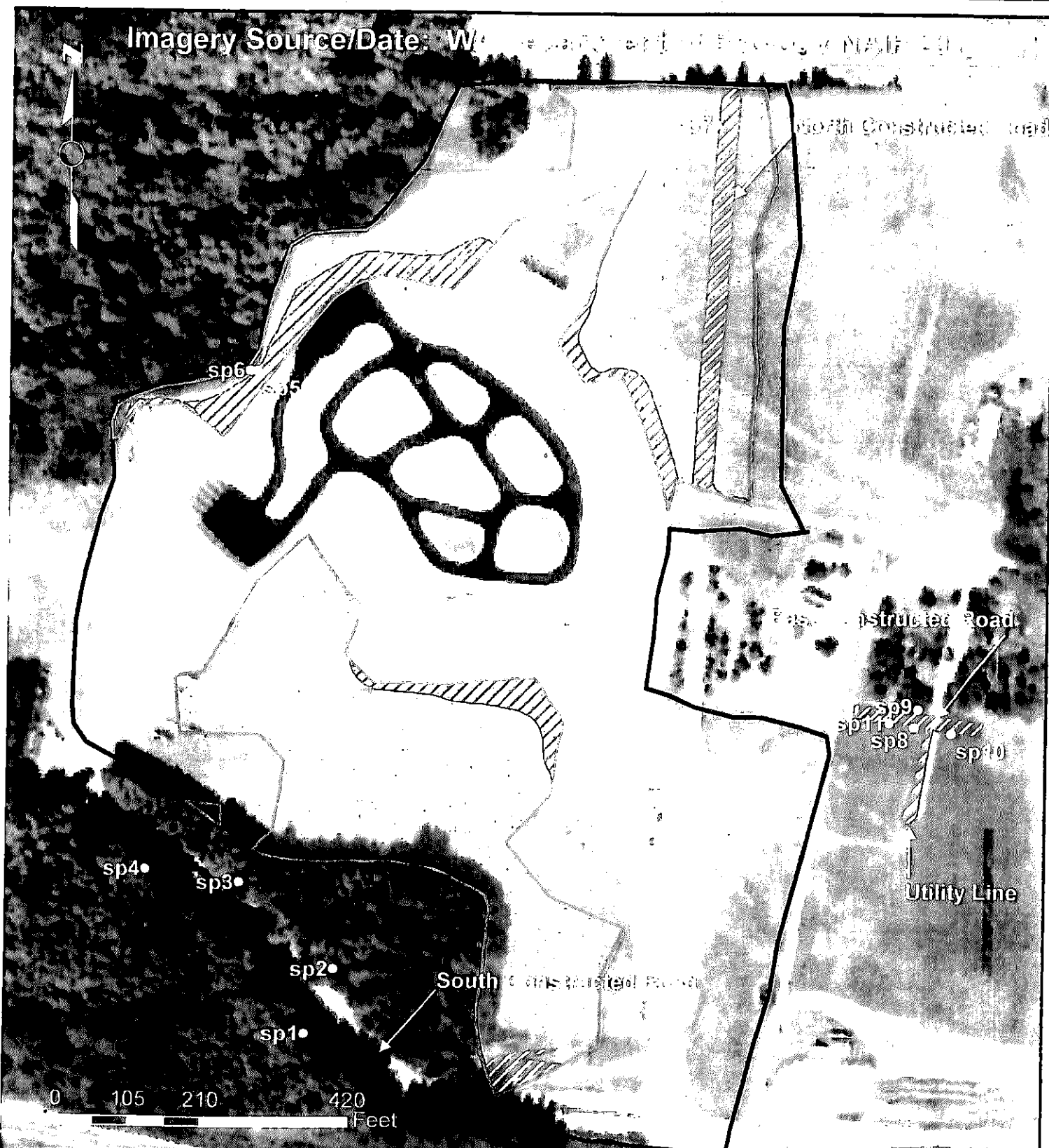
— 2010 JD Review Area Boundary



Approved Wetland Boundary Within Review Area (2010)

Approximate Limits of Unauthorized Fill Area




Imagery Source/Date: Wetlands and Fill Photo 7/15/12



Reference Number: NWS-2009-340
 Reference Name: A2Z Enterprises, LLC
 Latitude: 48.1143 Longitude: -123.5192
 Date: 12/5/2012

Sheet 3 of 3

Legend

- Sample Points from December 5, 2012 Site Visit
-  Unauthorized Fill in Waters of the U.S. (Approximately 1.44 acres)
-  2010 JD Review Area Boundary
-  Approved Wetlands Within Review Area (2010)